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09/311,128	05/13/1999	JOOST KEMINK	PHA-23.501	9837

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EXAMINER

SHRADER, LAWRENCE J

ART UNIT PAPER NUMBER

2124

DATE MAILED: 09/15/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/311,128

Applicant(s)

KEMINK, JOOST

Examiner

Lawrence Shrader

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/13/1999, 7/15/1999, and 1/21/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3 – 7 are rejected under 35 U.S.C. 102(e) as being anticipated by van Ee et al., U.S. Patent 6,208,341 (hereinafter referred to as van Ee).

van Ee discloses a control device with a graphics user interface:

**In regard to claim 1:**

*“enabling a determination of at least one appliance...”* van Ee discloses various appliances controllable by the device (column 2, lines 55 – 63; e.g., Figure 3).

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*“determining code for graphically representing a controllable feature...”* The proper codes are determined to control the desired device as depicted on the GUI (column 2, lines 21 – 25; 61 – 67; e.g., Figure 3).

*“communicating the code to the control device...”* The proper codes are sent to control the desired device (column 2, lines 21 – 25; 61 – 67).

**In regard to claim 3**, incorporating the rejection of claim 1:

*“...extracting a device control profile from a plurality of device control profiles.”*

Control profiles (macros) are extracted from a plurality of profiles (column 2, lines 21 – 41).

**In regard to claim 4**, incorporating the rejection of claim 1:

*“...extracting a device control profile in dependence upon at least one of: a location parameter, a time parameter, a user profile, and an appliance inventory.”* A device control profile (macro) is extracted depending upon a selection from an appliance inventory (column 1, lines 42 – 45).

**In regard to claim 5**, incorporating the rejection of claim 1:

*“...communicating appliance control commands to the control device to facilitate the user control of the appliance.”* van Ee discloses the ability to communicate appliance control commands (program the remote device macros) to facilitate the user-control of the appliance (column 2, lines 25 – 41; line 65 to column 3, line 15).

**In regard to claim 6**, incorporating the rejection of claim 1:

*“...further including enabling an editing of the code.”* van Ee discloses that the code can be edited (column 2, lines 21 – 25).

**In regard to claim 7**, incorporating the rejection of claim 1:

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*“...providing a sequence of selection options that lead to the determination of the at least one appliance.”* Figure 3 shows the sequence of selection options that lead to the determination of at least one appliance.

3. Claims 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Curtis, U.S. Patent 6,075,528.

**In regard to claim 8:**

Curtis teaches a software program comprising:

*“a means for communicating to a control device,”* Curtis discloses a means to communicate to a control device (a terminal; column 2, lines 25 – 40).

*“a means for communicating to an Internet site,”* Curtis discloses a means to communicate to an Internet site (column 2, lines 25 – 40).

*“a means for identifying a selected GUI code via the Internet site,”* Curtis discloses a means to identify a GUI code via the Internet site (column 2, lines 25 – 40).

*“a downloader that receives the selected GUI code...”* Curtis discloses a downloader to receive the selected GUI code (column 2, lines 25 – 40).

**In regard to claim 9, incorporating the rejection of claim 8:**

*“a means for modifying the selected GUI code.”* Column 2, lines 16 – 21.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein, U.S. Patent 5,410,326.

**In regard to claim 11:**

*"a programmable user interface,"* Goldstein discloses programmable user interface (column 3, lines 14 – 28)

*"a receiver that receives user interface code from an Internet site,"* Goldstein discloses that programming is carried out by connecting to a remote source (e.g., the Internet) through an interface (column 3, lines 14 – 28)

*"wherein a programming of the programmable user interface is facilitated by the user interface code."* The user selects services to be downloaded via a touch screen displaying icons (column 3, lines 45 – 51; column 4, lines 6 – 10).

**In regard to claim 12, incorporating the rejection of claim 11:**

*"...further includes an Internet access device."* Goldstein detaches an access to a remote source, which can include the Internet (column 3, lines 14 – 28).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over van Ee et al., U.S. Patent 6,208,341 (hereinafter referred to as van Ee) as applied in the rejection of claim 1 above, in view of Goldstein, U.S. Patent 5,410,326.

*"...accessing an Internet site in dependence upon the determination of the at least one appliance."* van Ee discloses a control device that comprises a graphics user interface, but does not disclose accessing the Internet in determination of at least one device. However, Goldstein discloses a control device that comprises a graphical user interface that accesses the Internet (a remotely connected programming source, column 3, lines 14 – 28). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the GUI functions of the van Ee device with the capability of the Goldstein device to access a remote programming source, which would be understood by one skilled in the art to include the Internet, because configuration information could then be accessed from any site that has access to the Internet, thus increasing flexibility of use and providing a convenient means to easily maintain the most up to date information as taught by Goldstein in accessing remote locations.

8. Claims 10, and 13 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis, U.S. Patent 6,075,528, as applied in the rejection of claim 8 above, in view of van Ee et al., U.S. Patent 6,208,341.

*"...means for identifying a selected GUI code includes an identification of a selected appliance."* Curtis discloses a means to communicate to a control device and a means to identify and download a GUI code via the Internet site, but does not disclose the identification of a selected appliance. However, van Ee discloses the selection of an appliance (e.g., see Figure

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1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the means to identify and download a GUI code from the Internet site as taught in the Curtis invention with the means to identify a selected appliance as taught by van Ee, because this added capability would allow the Curtis invention to select GUI code based on an appliance thus providing a precise means to select the proper download for controlling a specific appliance as taught by van Ee.

**In regard to claim 13:**

*"A software object...at an Internet site for execution on a control device...comprising code for generating a graphic user interface on the control device, wherein the graphic user interface facilitates the control of an appliance."* Curtis discloses the download of software objects from an Internet site for generating a GUI, but does not disclose that the GUI controls an appliance. However, van Ee teaches a GUI for the purpose of facilitating control of an appliance (e.g., see Figure 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the ability to download configuration information over the Internet to generate a GUI as taught by Curtis with a GUI facilitating the control of an appliance as taught by van Ee, because this combination allows a GUI based control device to update a GUI configuration for specific appliances from a central site maintaining updates as taught in the van Ee invention, which reduces the programming knowledge required by the user as taught by Curtis.

**In regard to claim 14, incorporating the rejection of claim 13:**

*“...the graphic user interface is designed for at least one of: a remote control device, a telephone, and a household appliance.”* Curtis does not disclose a GUI designed for at least one of a remote control device, a telephone, or a household appliance. However, van Ee teaches a GUI designed for a remote control device (e.g., see Figure 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the ability to download configuration information over the Internet to generate a GUI as taught by Curtis with a GUI designed for a remote control device as taught by van Ee, because the combination allows expanded use of the Curtis GUI into multiple devices that control other appliances as taught by van Ee in Figure 1.

**In regard to claim 15:**

*“enabling the user to contact a server via a communications network,”* Curtis enables the user to contact a server via a communications network (Abstract; column2, lines 25 – 40).

*“enabling the user to specify via the server a preference with regard to a control of the appliance,”* The user can select a preferred control function (column 4, lines 5 – 37)

*“enabling the server to provide a graphic user interface for a control device for the appliance based on the preference.”* In Curtis, the server provides a GUI for control for the terminal (column 2, lines 25 – 40), but does not provide a GUI for a control device for the appliance. However, van Ee teaches a control device for an appliance (e.g., see Figure 1). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the ability of the Curtis invention to select a download based of a user preference with the disclosed van Ee control device, because the combination provides the ability

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to update the control device of van Ee with a selected user preference based on the appliance under consideration.

**In regard to claim 16**, incorporating the rejection of claim 15:

*"the server is enabled to provide the graphic user interface via the communications network."* Curtis teaches updating the GUI via a communications network (See Abstract).

**In regard to claim 17**, incorporating the rejection of claim 15:

*"...wherein the communications network is the Internet."* Curtis teaches updating the GUI via a communications network (See Abstract; column 1, lines 14 – 18).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,211,856 to Choi et al., regarding graphical user interface touch screen.

U.S. Patent 6,317,143 to Wugofski, regarding programmable graphical user interface.

U.S. Patent 6,466,203 to Van Ee, regarding hand-held graphical display connected to the Internet.

U.S. Patent 6,568,595 to Russell et al., regarding a hand-held code reader connected through the Internet.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.

The examiner can normally be reached on M-F 08:00-16:30.

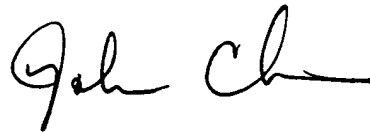
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader  
Examiner  
Art Unit 2124

September 4, 2003

A handwritten signature in black ink, appearing to read "John Chavis". The signature is fluid and cursive, with the first name "John" and last name "Chavis" clearly distinguishable.

JOHN CHAVIS  
PATENT EXAMINER  
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